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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/733,507	12/10/2003		Robert J. Steffan	AHP97254 D2	9206
25291	7590	06/25/2004		EXAMINER	
WYETH				MORRIS, PATRICIA L	
PATENT LAW GROUP FIVE GIRALDA FARMS				ART UNIT	PAPER NUMBER
MADISON, NJ 07940				1625	
				DATE MAILED: 06/25/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)						
10/733,507	STEFFAN ET AL.						
Examiner	Art Unit						
Patricia L. Morris	1625						
pears on the cover sheet with the	correspondence address						
Y IS SET TO EXPIRE 3 MONTH 36(a). In no event, however, may a reply be to y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON g date of this communication, even if timely file	imely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).						
1) Responsive to communication(s) filed on 07 June 2004.							
This action is FINAL . 2b)⊠ This action is non-final.							
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
 4) Claim(s) 1,2,4,5,7-10,14-18 and 21-27 is/are pending in the application. 4a) Of the above claim(s) 4,5,7-10,14-18 and 21-27 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1 is/are rejected. 7) Claim(s) 2 and 28 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 							
er. septed or b) objected to by the drawing(s) be held in abeyance. So tion is required if the drawing(s) is o kaminer. Note the attached Offic	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).						
Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
4) Interview Summar Paper No(s)/Mail [5) Notice of Informal 6) Other:							
	Examiner Patricia L. Morris Dears on the cover sheet with the ST IS SET TO EXPIRE 3 MONTH (36(a)). In no event, however, may a reply be to sy within the statutory minimum of thirty (30) de will apply and will expire SIX (6) MONTHS from (5), cause the application to become ABANDON (7) and the of this communication, even if timely file to the communication of the state of this communication, even if timely file to the communication of the communication of the communication. Define Ex parte Quayle, 1935 C.D. 11, 42 and the communication of the communication of the communication. Define Ex parte Quayle, 1935 C.D. 11, 43 and the communication of the communication of the communication of the communication. Define Ex parte Quayle, 1935 C.D. 11, 44 and the communication of the co						

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DETAILED ACTION

Claims 1, 2 and 28 are under consideration in this application.

Claims 4, 5, 7-10, 14-18 and 21-27 are held withdrawn as being drawn to nonelected subject matter 37 CFR 1.142(b).

Election/Restriction

Applicant's election without traverse of Group II, the 1,2-thiazoles in the reply filed on June 7, 2004 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The plural 's' on "agents" makes claim 1 read on mixtures rather than specific compounds.

Priority

Applicants are requested to update the status of the parent applications, ser. nos. 10/212,888 and 09/145,909, on page 1 of the specification. Cooperation herein is appreciated.

Allowable Subject Matter

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Claim1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and if rewritten directed solely to the elected compounds.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if rewritten directed solely to the elected compounds.

Claim 28 is objected to as containing non-elected subject matter. The objection may be overcome by limiting the claim to the subject matter indicated as being examinable, supra. A claim so limited would appear allowable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Morris whose telephone number is (571) 272-0688. The examiner can normally be reached on Mondays through Fridays.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Patricia L Morris Primary Examiner Art Unit 1625

plm June 23, 2004